



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

Stuart Wilcox
Ecological Rights Foundation
5135 Anza Street
San Francisco, California 94121

Re: Freedom of Information Act Request No. EPA-HQ-2020-000662
Interim Response

Dear Mr. Wilcox:

Thank you for submitting the above-referenced Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), which we received on November 19, 2019. In your FOIA request, you requested 14 categories of records related to a letter from EPA Administrator Andrew Wheeler to California Governor Gavin Newsom (the Letter) referring to exceedances of National Pollution Discharge Elimination System (NPDES) permits and health-based exceedances of the Safe Drinking Water Act (SDWA).

As you know, EPA headquarters offices are processing your request overall. However, the following specific requests in your FOIA request pertain to potential records maintained by EPA Region 9, and are the subject of this interim response:

3. All records that reflect whether the NPDES and SDWA exceedances discussed on page 3 of the Letter did in fact occur, such as discharge monitoring reports submitted pursuant to NPDES monitoring requirements or consumer confidence reports submitted pursuant to SDWA reporting requirements.
4. All records that document, establish, and/or reflect whether EPA and/or the State of California has undertaken any enforcement action against the entities alleged to have exceeded their NPDES permits or to have been responsible for health-based exceedances of the SDWA, as discussed on page 3 of the Letter.
5. All records providing evidence of any remedial measures undertaken by the entities discussed on page 3 of the Letter to address, reduce, or eliminate the NPDES permit or SDWA violations discussed in the Letter.
6. All records of communications between EPA and the City of Los Angeles, University of Southern California, and/or Sanitary District Number 5 of Marin County otherwise addressing, referring to, or discussing the exceedances of NPDES permits discussed on page 3 of the Letter.

7. All records of communications between EPA and the entities alleged to have been responsible for health-based exceedances of the SDWA addressing, referring to, or discussing such exceedances discussed on page 3 of the Letter.

In an email received from you on March 17, 2020, you further limited the SDWA component of your requests to “any municipal water sources servicing 10,000+.”

Region 9 is now releasing records in response to your request. Please note that this is an interim response, and the EPA continues to work on your request. As an interim response, responsive records pertaining to your requests 3 through 7 can be located at the following websites:

<https://ofmpub.epa.gov/apex/sfdw/f?p=108:1:::NO:1::>

<https://echo.epa.gov/>

<https://www.waterboards.ca.gov/ciwqs/publicreports.html>

Again, your request is not being closed at this time. Moreover, I will be in contact with you shortly regarding the next steps for processing any additional records in EPA Region 9’s possession that are responsive to items 3 – 7, described above. When your entire FOIA request is closed, you will receive information concerning your appeal rights for any part of EPA’s response.

If you have any questions about this interim production by EPA Region, please contact Ivan Lieben at Lieben.Ivan@epa.gov or by phone at 415-972-3914, or for questions regarding your request generally, please contact Victor Farren at Farren.Victor@epa.gov or by phone at 202-564-0808. Additionally, you may seek assistance from EPA’s FOIA Public Liaison at hq.foia@epa.gov or call 202-566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8610 Adelphi Road, College Park, MD 20740-6001; by email at ogis@nara.gov; by phone at 202-741-5770 or 877- 684-6448; or by fax at 202-741-5769.

Sincerely,

Deborah Jordan
Deputy Regional Administrator